S.B.CIVIL MISC. APPEAL NO.692/2001

National Insurance Company Ltd.
vs.
Salim Shah and others.

DATE OF JUDGMENT ::: 10.1.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. Jagdish Vyas, for the appellant.
Mr. AA Khan, for the respondent.

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Heard learned counsel for the parties.

The service of the respondent no.4 is dispensed with in view of the fact that the Hon'ble Apex Court has already decided the issue which is said to be involved in this appeal, in the case of Swarn Singh reported in AIR 2004 SC 1530.

In view of the above, I do not find any merit in this appeal and accordingly, the same is dismissed.

Learned counsel for the appellant also submitted that the Tribunal has awarded interest at the rate of 9% p.a. Which is excessive.

I do not find that the interest awarded at the rate of 9% in a case where the accident occurred in the year 1995 is excessive so as to call for interference by this Court

in the appellate jurisdiction, therefore, on this ground also, I do not find any merit in this appeal.

Consequently, this appeal, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya